

# Censor

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SATURDAY, MARCH 28. 1772.

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*Know while I live, no rich or noble Knave,  
Shall walk the World in credit to his Grave.*

POPE.

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Cambridge, March 26, 1772.

To the Publisher of the CENSOR.

SIR,

*I sent the following short Observations to one of the Printers of a Publick Paper, (though without a proper title-page, as you Gentlemen Printers term it) to whom I have long been a Customer, with an intention to have it inserted, but as he has not complied with my request, and I perceive by one of your late Papers, you give out, that injuries offered to the innocent shall not pass with impunity, I beg you will give the following a place in your useful, and, at this time, very seasonable Paper, next Saturday, if nothing better on the subject should offer ; by so doing you will oblige one of your Readers.*

D. W.

**I** WAS last week in *Boston*, where I have, until very lately resided, and of consequence it must be natural for me to visit the Town often, when I fell in company with a number of persons of different orders, some of whom I am personally acquainted with, and whom I have always had a great esteem for, as I know them to be Gentlemen as remarkable for their knowledge, as amiable for their piety and humanity ; but am sorry to say they seemed to have made a sacrifice of their reason and judgment to serve the popular clamour, which is but too often the case when party spirit so universally prevails as it does at present throughout the Province in general, but in your Place in particular,

particular, which threatens the total destruction of civil society, and in a peculiar manner tends to poison every social enjoyment, but especially that inestimable one of conversation; for when politicks comes on the tapis, we immediately bid adieu to every other subject, and it is a melancholly truth, that those who were bosom friends before, now commence the most inveterate enemies to each other, meerly from their opposite opinions in trivial matters, when the hatred is carried so far as not to speak together, although perhaps they may even belong to one communion-table, which ought to make their obligations of brotherly love and friendship doubly binding, if influenced by no other motive.

THE first topick of conversation that was introduced related to the conduct of the Honourable JUDGES of the Superior Court in regard to their transactions respecting the case of *Ebenezer Richardson*, who hath lately been discharged from his long confinement, on giving bail for his appearance before them when called for. In the course of this subject I must confess I was no less astonished to observe such heat and animosity shewn by some of the Gentlemen present when giving their opinion on this matter, than surprized to hear such ungenerous as well as unjust reflections on those truly worthy Gentlemen, who, to my certain knowledge as I have attended all the late popular trials have conducted with such an unparrelled impartiality, firmness, and perseverance, during the whole of them, as would have done the greatest honour to a *Roman* Senate or an *Athenian* Tribunal, and this must be acknowledged to be fact by every one who will allow himself the liberty to speak more from the dictates of honest principles than from the baleful influence of party-prejudice, notwithstanding the many insults and abuses they have undeservedly met with in the late times from the unthinking and misled multitude, some of whom having had the audacity "even within the walls of the Court," to endeavour without effect to intimidate them when doing their duty on these trials, which it is thought were the most important, tedious, and intricate ones that ever came before a Court of Judicature either in *Europe* or *America*: Perhaps some of their ungrateful Countrymen who are now so liberal in bestowing such unkind epithets on their characters, may, at some future period come before them, when they will be glad to seek protection from the unexampled lenity and humanity which have, during their administration of Justice, ever shone so conspicuously, and are the distinguishing characteristicks of these Gentlemen, which they now so wantonly sport with.

DURING

DURING the above conversation I was more fond to hear others give their opinions than to enter into the political broil myself, therefore had a better opportunity to make my observations, which I have committed to writing, hoping some abler pen may pursue the subject.

It seems obvious to every one that the Prisoner above-mentioned, had borne but a very indifferent character, both in Town and Country, previous to his killing the unfortunate young *Seider*, on the twenty-second day of February, 1770, therefore he could not expect either the Court or Jury could be much prejudiced in his favour on account of his former conduct in life, and if any thing was advanced in his behalf during the trial, it must of necessity arise from the proof of his innocence of the crime *then* alledged against him, and argue as so many striking proofs, that what he did at *that time*, was intirely from a view of self-preservation, instead of being influenced from a malicious intention to commit *Murder*.

THE cause was opened, and the evidence examined in behalf of the Crown by a Gentleman of superiour ability, who was assisted by another Gentleman, employed by the Town of *Boston* perfectly acquainted with the law, who performed his part with such distinguished talents, as did honour to himself, and gave intire satisfaction to his constituents.


THE evidence in behalf of the Prisoner being examined by a Gentleman who did not speak to the case, gave the other Gentleman who was his Attorney a greater opportunity to enlarge on the law and evidence in his favour; who, actuated solely from the motive of humanity, as he did it without fee or reward, and at the hazard of losing his popular reputation, so ably managed the law and evidence, in bringing such pertinent authorities to support the facts, and making such just remarks on the same, as fully convinced me of his abilities as an Attorney and of his benevolence as a citizen, in endeavouring to preserve the life of a fellow-subject; although his appointment to this task did not add to his reputation among the people at that time, yet the faithfulness and impartiality he shewed for the Prisoner must certainly more than compensate for any loss he might sustain in this or any other respect.

IN the trial it fully appeared, from the evidence in behalf of the Crown, as well as on the side of the Prisoner, that he was, previous to his firing the gun, from his window, which did the execution, pursued from the street by the multitude to the door of his dwelling-house; when there he was so warmly assaulted by them with brick-bats, stones, oyster-shells, clubs, dirt,



dirt, &c. on every side, that his windows both in front and rear were shattered in such a manner, that scarce a whole square remained in his house ; and it was made to appear that the unhappy youth who happened to fall a victim in this affray was very active among others of the people assembled round the house of the Prisoner at that time, not only in encouraging others, but that he actually was concerned in this riotous transaction, and that he had stones in his hand when he received the fatal wound from the Prisoner ; although as much care was taken by the evidence in behalf of the Crown to exculpate all who were present except youths from having any hand in this riotous transaction, as there was in not exaggerating the number of persons present when it happened ; yet it was testified in the trial that there was at time between two and three hundred men and boys near the scene of action ; and allowing, what few will believe who had their eyes and ears open at that time, that the former were active neither in taking a part in the aforesaid assault, nor in encouraging the youths, (as we chuse for modesty sake to call them) to commit this violence, by huzzaing, shouting, and clapping hands when the stones, &c. which the youths threw at the windows, did execution ; admitting all this to be fact, it was testified even by some of the Crown evidences, that many of the stones, &c. which were thrown at the windows by the latter were sent with as great force and did as much damage as if they had come from the former, and that some of them were so large that had any one in the house received a blow therefrom it must have killed them ; consequently therefore the Prisoner and his family were put in the most imminent terror and danger of their lives by the above-mentioned battery and assault : To make a retreat was impossible, unless he had forced himself among the multitude, but this remedy might seem to a prudent man to be worse than the disease, as a person in his circumstances, surrounded by enemies on every side as he was at that time, could have but little more than immediate death to expect from the furious rage of a riotous mob, whom he might well imagine would be as fond of taking away his life as of destroying his property ; the latter he had but too fully experienced, and had the greatest reason to dread the former.

*( The Remainder must be omitted until next Week, as the hurry of our other business prevents giving the Publick an additional half sheet. )*

 *It is with pleasure the Printer can promise his Customers, that in a few days will be published, a PAMPHLET, intimately connected with the present Times, and perhaps one of the most agreeable Entertainments ever offered the sensible Publick.*